

Appl. No. 10/634,166  
Amdt. Dated July 28, 2005  
Reply to Office Action of June 29, 2005

### **Summary**

Claims 1-19 are presented.

Claims 1-7 and 16-19 stand withdrawn from consideration as drawn to an invention non-elected with traverse in the response of 4/01/2005.

Claims 8-15 stand rejected under 35 USC 112 as being indefinite and under 35 USC 102(b) or 103(a) as being anticipated or unpatentable over the disclosure of Plymale.

Claims 8-15 have been amended.

### **Remarks/Arguments**

Claims 8-15 have been amended to provide clear antecedent basis for the terms questioned. The one yarn set is referred to throughout as "longitudinally extending drawn thermoplastic yarn" and the other yarn or yarns are referred to throughout as "elastic thermoplastic filament." It is believed that all claims are now in clear and definite form.

The claims are rejected over the reference Plymale which is stated as comprising a plurality of drawn thermoplastic filaments arranged along an ellipsoid path in juxtaposed positions forming an elongated tube. The filaments are said to be thermoplastic and formed of soft tacky strands which bond at crossings.

The discussion of the reference fails to note two limitations which are at the core of this invention, i.e. that the longitudinally extending thermoplastic yarns are "drawn" and that the helically wrapped thermoplastic filament is "elastic."

These two features or structures are critical to this invention and are not

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disclosed in the fabric of Plymale. In Plymale, both groups of strands are disclosed as "soft and tacky" during formation of the fabric, and subsequently, during coiling becoming "set or fixed." (See column 2, lines 61-66 and column 3, lines 10 and 11.)

It is noted that the reference Plymale was considered prior to the filing of the instant application and was furnished the PTO. It is not considered to teach the invention as claimed.

The term "drawn" is described in the specification as describing a yarn treated by stretching and heating to fix the yarn with desired elongation characteristics. The longitudinally extending thermoplastic yarns in all claims are limited to drawn thermoplastic yarns. Plymale does not disclose so structured longitudinal yarns. The wrapped filament is set forth as an "elastic thermoplastic filament" and not drawn and set. Again, the reference Plymale does not disclose the wrapped yarn as having these characteristic.

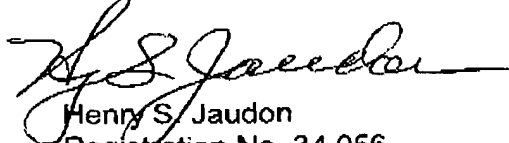
Turning now to independent claim 8, the claim calls for in line 2 "a plurality of longitudinally extending drawn thermoplastic filaments" and in line 4 "at least one elastic thermoplastic filament helically wrapped about and bonded to said longitudinally extending drawn thermoplastic filaments." The Plymale reference does not teach this structure.

For these reasons, it is believed that claim 8 clearly defines over the reference of the rejection. Claims 9-15 depend from claim 8 and are thought to be allowable for the same reasons.

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Accordingly, it is respectfully urged that upon reconsideration, the Examiner withdraw the rejections and find the claims to be allowable.

Respectfully submitted,



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